

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

- - - - -X  
 UNITED STATES OF AMERICA, : 17-CR-434 (ARR)  
 Plaintiff, :  
 -against- :  
 JOSÉ MIGUEL MELENDEZ-ROJAS, :  
 also known as "Gueramex," :  
 "Gueracasa," and "José :  
 Melendez Perez"; JOSÉ : United States Courthouse  
 OSVALDO MELENDEZ-ROJAS, : Brooklyn, New York  
 ROSALIO MELENDEZ-ROJAS, also :  
 known as "Leonel," "Wacho," :  
 and "El Guacho"; FRANCISCO :  
 MELENDEZ-PEREZ, also known :  
 as "Paco," and "el Mojarra"; :  
 and ABEL ROMERO-MELENDEZ, :  
 also known as "La Borrega" :  
 and "Borrego" :  
 Monday, March 2, 2020  
 Defendants. : 2:00 p.m.  
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TRANSCRIPT OF CRIMINAL CAUSE FOR JURY TRIAL  
BEFORE THE HONORABLE ALLYNE R. ROSS AND A JURY  
UNITED STATES DISTRICT SENIOR JUDGE

A P P E A R A N C E S:

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24                   Proceedings recorded by Stenographic machine shorthand,  
25                   transcript produced by Computer-Assisted Transcription.

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P R O C E E D I N G S

--oo0oo--

(In open court; jury not present.)

THE COURT: If any of the defense counsel need a mic.

THE INTERPRETER: Your Honor, if I may, for the interpreters it's impossible for us to hear the entire words that are being projected that way and not that way, and we're speaking at the same time so everybody has to use a microphone.

THE COURT: So everybody has to use a microphone, that's great.

I'm assuming nobody is using the ELMO during the openings; is that correct?

MR. HUESTON: That's correct, Your Honor.

MR. GOLUB: I'm not.

MS. KELLMAN: That's correct, Judge.

MS. ARGO: That's correct, Judge.

THE COURTROOM DEPUTY: All rise.

(Jury enters courtroom.)

THE COURT: Please be seated. Dennis, if you could swear the jury.

(Jury sworn.)

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1 (THE JURY: I do.

2 THE COURTROOM DEPUTY: Please be seated.

3 THE COURT: Ladies and gentlemen of the jury, we're  
4 about to begin the trial of this criminal case about which  
5 you've heard something during the course of jury selection.  
6 But before the trial begins, there are certain things that I  
7 wish to tell you to help you understand what will be presented  
8 and how you should conduct yourselves during the trial.

9 To begin with, you are here to administer justice in  
10 this case according to the law and the evidence. You are to  
11 perform this task with complete fairness and impartiality and  
12 without bias, prejudice or sympathy for or against the  
13 government or the defendants. This case is important to the  
14 defendants who are charged with committing crimes and who have  
15 the constitutional right to receive a fair trial. The case is  
16 also important to the government since the enforcement of the  
17 criminal laws is important.

18 The case is based on an indictment. During jury  
19 selection I read the indictment to you. I instructed you then  
20 that the indictment is simply the document by which a criminal  
21 action is commenced. It is merely an accusation, it is not  
22 evidence of a defendant's guilt.

23 Because the defendants have pleaded not guilty, the  
24 government has the burden of proving each of the essential  
25 elements of the crime charged in the indictment beyond a

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1 reasonable doubt. The purpose of the trial is to determine  
2 whether the government meets this burden. The defendants are  
3 not required to prove their innocence. On the contrary, the  
4 defendant is presumed to be innocent of the accusations  
5 contained in the indictment.

6 As you've already heard, the indictment contains 15  
7 counts. I will define each of these crimes and their elements  
8 for you in my instructions after the presentation of evidence.  
9 In most general terms, Count One charges all of the defendants  
10 with conspiring, that is, agree to smuggle aliens.

11 Count Two charges all defendants with conspiring to  
12 transport minors to engage in prostitution.

13 Count Three alleges all of the defendants -- charges  
14 all the defendants with conspiring to engage in sex  
15 trafficking.

16 Count Four charges three defendants, José Miguel  
17 Melendez-Rojas, Rosalio Melendez-Rojas and Abel  
18 Romero-Melendez with the sex trafficking of a minor, Jane Doe  
19 number one, that is Diana.

20 Count Five charges three defendants, José Miguel  
21 Melendez-Rojas, José Osvaldo Melendez-Rojas and Rosalio  
22 Melendez-Rojas with the sex trafficking of Jane Doe number  
23 two, that is Veronica.

24 Count Six charges two defendants, José Osvaldo  
25 Melendez-Rojas and Rosalio Melendez-Rojas with the sex

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1 trafficking of Jane Doe number three, that is Fabiola.

2 Count Seven charges the same two defendants with  
3 alien smuggling of Jane Doe number three, who is Fabiola.

4 Count Eight charges two defendants, José Osvaldo  
5 Melendez-Rojas and Francisco Melendez-Perez with the sex  
6 trafficking of Jane Doe number four, that is Maria.

7 Count Nine charges the same two defendants with  
8 alien smuggling of Jane Doe number four, that is Maria.

9 Count Ten charges four defendants, José  
10 Melendez-Rojas, José Osvaldo Melendez-Rojas, Rosalio  
11 Melendez-Rojas, and Francisco Melendez-Perez with the sex  
12 trafficking of Jane Doe number five, that is Delia.

13 Count Eleven charges the same four defendants with  
14 the transportation of a minor Jane Doe number five, that is  
15 Delia to engage in prostitution.

16 Count Twelve charges the same four defendants with  
17 alien smuggling of Jane Doe number five, who is Delia.

18 Count Fifteen charges the same four defendants with  
19 conspiring to launder money.

20 Count Sixteen charges the same four defendants with  
21 distributing the proceeds of a prostitution business, and  
22 Count Eighteen charges defendant Abel Romero-Melendez with  
23 illegal reentry into the United States.

24 The trial will proceed in the following order:

25 First, the parties have the opportunity to make

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1 opening statements. The government will make such a  
2 statement, then the defendants may do so. The defendants are  
3 not, however, obligated to make an opening. Indeed, the  
4 defendants have no obligation to do anything in the course of  
5 the trial. What is said in these opening statements is not  
6 evidence, rather the attorneys will attempt to give you an  
7 introduction to or an overview the evidence which they expect  
8 will be produced in the course of the trial.

9           After the opening statements, the government will  
10 introduce evidence in support of the charge contained in the  
11 indictment. This may be testimony from witnesses, it may be  
12 physical items, documents and exhibits which are offered in  
13 evidence. If an item is received in evidence, the attorneys  
14 may choose to have you look at it here in open court right at  
15 the moment that it is received. Whether they do this or not  
16 however, if you wish to study any exhibits further, and to the  
17 extent practical, I will send any requested exhibits received  
18 in evidence into the jury room during your deliberations so  
19 you will have ample opportunity to examine them.

20           You should pay careful attention to the testimony  
21 given by the witnesses. Let me say, however, that if in the  
22 course of your deliberations you have any questions as to what  
23 a witness in fact said on any matter, the court reporter is  
24 available to go his or her notes and read back to you the  
25 portions on which you have a question, or we will make copies

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1 of the relevant transcript available to you in the jury room.

2           Second, when the government has concluded putting on  
3 its evidence the defendant may put on evidence but they are  
4 not required to do so. The burden is always on the government  
5 to prove every element of an offense charged beyond a  
6 reasonable doubt. The law never imposes on a defendant in a  
7 criminal case the burden of any calling any witnesses or  
8 introducing any evidence.

9           Third, if a defendant puts on any evidence, the  
10 government may or may not wish to put further evidence before  
11 you to rebut what the defense has set forth.

12           Once all evidence has been presented, each party has  
13 the opportunity to present closing arguments or summations to  
14 you. What is said in these arguments is not evidence. Each  
15 party is simply presenting to you its view of what the  
16 evidence has shown and suggesting to you the inferences or  
17 conclusions you should draw from the evidence. You may find  
18 an argument sound and persuasive or you may not. Because the  
19 government has the burden of proof in the case it has the  
20 right to argue first, followed the defendants after which the  
21 government may give a rebuttal summation.

22           Fifth, after you've heard the arguments, I will  
23 instruct you on the applicable law. You will then retire to  
24 consider your verdict. Your verdict must be unanimous. You  
25 have a tremendously important task as jurors. It is to



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1 determine the facts. Our Constitution gives the defendant a  
2 right to have you, who are members of the community, find  
3 those facts. You and not the Court are the sole judges of the  
4 facts. I shall try to preside impartially and not to express  
5 any opinion concerning the facts. If, at any time, I should  
6 make any comment with respect to the facts, you may disregard  
7 it. It is your judgment as to the facts not mine which  
8 controls. As sole judges of the facts you must determine  
9 which of the witnesses you believe, what portion of their  
10 testimony you accept and what weight you attach to it.

11 In the course of the trial the attorneys may from  
12 time to time stand and say that they object to a certain  
13 question or to certain evidence. There are certain rules that  
14 apply to the receipt of evidence in trials. If I sustain an  
15 objection, it means that I think the law does not prevent  
16 receipt of the evidence in question. You are to disregard the  
17 question asked. You are not to speculate about how it might  
18 have been answered, you simply have no evidence before you on  
19 that subject. If I sustain an objection after the answer has  
20 been given, I will strike the answer. Meaning that you are  
21 not to consider it at all in your deliberations. You are to  
22 act as if that answer had never been given.

23 On the other hand, if I overrule an objection, it  
24 means that I find no legal reason not to allow the evidence to  
25 come before you. You should not, however, attach any special

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1 significance to evidence that comes in over an objection,  
2 simply consider it together with all the other evidence in the  
3 case.

4 No statement, ruling, remark or comment which I may  
5 make during the course of the trial is intended to indicate  
6 any opinion as to how you should decide the case or to  
7 influence you in any way in your determination of the facts.  
8 At times I may ask questions of witnesses, I do so simply to  
9 bring out matters which I think should be brought out and not  
10 in any way that indicate an opinion about the facts or the  
11 weight you should give the testimony of the particular  
12 witness.

13 You must not be influenced by anything you may have  
14 seen or heard outside this courtroom. This case must be  
15 decided by jurors who base their decision solely on the  
16 witness's testimony and the other evidence introduced at  
17 trial. This means from today until the end of the trial you  
18 must not conduct any independent research about this case, the  
19 matters in this case or the individuals involved in this case.

20 In other words, you should not consult dictionaries  
21 or reference materials, search the Internet, look to websites  
22 or blogs or use any other electronic tools to obtain  
23 information about this case or help you in your decision as  
24 jurors. It is very important that your decision be made  
25 solely on the basis of the evidence presented in this case and

1 that you not seek information from any source outside the  
2 confines of this courtroom.

3           There are several rules which should govern your  
4 conduct during any recess or break that we take in the trial.  
5 First, do not discuss the case among yourselves or with anyone  
6 else during any recess. Even as among yourselves you see, it  
7 is important that each of you keep an open mind reaching a  
8 conclusion only during your final deliberations after all of  
9 the evidence is in and you've heard the attorneys' summations  
10 and my instructions on the law. Only then will you begin to  
11 exchange views among yourselves and reach your verdict.

12           Now the instruction that I've just given is  
13 counterintuitive, it is contrary to human nature. Serving on  
14 a jury is a unique experience. It's an interesting  
15 experience. It's an experience that you'll perhaps have only  
16 once or twice in your lifetime and it is something that you  
17 would naturally want to share with friends or family as the  
18 trial goes along. What's wrong with that is that as you begin  
19 discussing the case with others, they begin giving you their  
20 opinion about what they think about the case, even though they  
21 haven't been here, even though they haven't heard any of the  
22 evidence, even though they haven't heard the arguments of  
23 counsel or my instructions on the law and it fundamentally  
24 deprives all of the parties of a verdict that's based on the  
25 determination of jurors who have heard all of what I've just

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1 referred to. So as difficult as it may be, please do not  
2 discuss the case with anyone else. And when I say do not  
3 discuss the case, I'm talking about the evidence in the case  
4 in particular and any view that you might have about the  
5 evidence. Please do not discuss the case at all.

6           The same is true with respect to discussing the case  
7 among yourselves. That, too, is counterintuitive and contrary  
8 to human nature. After all, the thing that brings you all  
9 together here is this trial. What's wrong with beginning your  
10 discussion in the case before the case is submitted to you is,  
11 if you begin talking about the case even among yourselves you  
12 begin to come to tentative opinions and conclusions that might  
13 close your mind to other evidence, arguments by counsel, or to  
14 my instructions on the law. Here again, when I say do not  
15 talk about the case, what I'm telling you is a common sense  
16 rule. You can talk about how you think the lawyers look,  
17 whether you like what they're wearing or not, innocuous  
18 conversation is perfectly all right. When I say don't talk  
19 about the case even among yourselves, I'm talking about the  
20 evidence that you hear in the courtroom and whether the  
21 defendants are guilty or not guilty. Also you should not  
22 permit any other person to discuss this case with you or in  
23 your presence. And if anyone should approach you in an effort  
24 to discuss the case with you, you should report that back to  
25 me and you should tell that person that you cannot discuss the

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1 case. You should not, however, discuss with your fellow  
2 jurors either that fact or any other fact that you may feel  
3 necessary to bring to my attention. The reason is obvious, if  
4 something occurs that affects the ability of a juror to  
5 continue to serve fair and impartially and that juror  
6 communicates it to fellow jurors, then more than one of you  
7 may be affected.

8 Third, although it's normal for people to talk with  
9 those with whom we are thrown in day-to-day contact, please do  
10 not, while you're serving as jurors in this case, have any  
11 conversation with the parties, the attorneys, or any witnesses  
12 in the case whether in the courtroom, in the hallways, in the  
13 elevator, outside or anywhere else. By this I mean not only  
14 do not talk about the case, do not talk at all even to pass  
15 the time of day. You see, someone seeing a juror in  
16 conversation with a party, lawyer or witness might think that  
17 something improper was being discussed. To avoid even the  
18 appearance of impropriety then, have no conversations. The  
19 lawyers as officers of the court are particularly sensitive to  
20 this. So I can tell you that if they pass you in the halls  
21 without even acknowledging your presence, they do not mean to  
22 be rude.

23 Those of you who have been selected as alternate  
24 jurors should listen just as carefully and conscientiously as  
25 the other jurors. You may very well be called upon prior to

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1 the conclusion of the case to take the place of one of the  
2 jurors and then you will have to render a verdict. So please,  
3 pay strict attention at all times.

4 And with that by way of introduction, we will now  
5 hear from the prosecutor. Ms. Kassner.

6 MS. KASSNER: Thank you, Your Honor.

7 In May 2010, in a small town in Mexico, a 14-year  
8 old girl named Delia thought she was in love. She decided to  
9 leave her parents' home and move in with her boyfriend,  
10 Francisco. She thought she was leaving for a better life.  
11 What Delia didn't know is that Francisco and his relatives had  
12 other plans for her. What Delia didn't know is that the  
13 defendants, Francisco Melendez-Perez, his cousin Abel  
14 Romero-Melendez and his uncles José Miguel Melendez-Rojas,  
15 José Osvaldo Melendez-Rojas, and Rosalio Melendez-Rojas  
16 together made their living by smuggling young women and girls  
17 like Delia to the United States where they forced them to work  
18 in prostitution. Sex trafficking was their family business.

19 Delia didn't know any of these things so she went  
20 with Francisco to his family home in Mexico and when Francisco  
21 asked her to go with him to the United States she agreed.  
22 Together, Delia and Francisco made their way from Mexico to  
23 Arizona and from Arizona to Queens in New York City. There  
24 they moved into an apartment with Francisco's uncle, the  
25 defendant Rosalio Melendez-Rojas. After they arrived in New

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1 York City, Francisco ordered Delia for the first time to work  
2 as a prostitute. Delia refused but Francisco and Rosalio  
3 forced her, they told her that she didn't speak English, that  
4 she had no papers and that she owed thousands of dollars in  
5 smuggling fees for being brought to the United States. They  
6 told her that if she tried to ask the police for help they  
7 wouldn't believe her and they would arrest her and deport her.  
8 You will learn that Delia was completely alone with no money,  
9 nobody to turn to in the United States and nowhere to go.

10 On her first night, Francisco forced Delia to have  
11 sex with 15 to 20 men. She was only a 14-year old girl. And  
12 after that night things only got worse. Whenever Delia  
13 refused to work, Francisco threatened her and then beat her.  
14 He threatened her again, he beat her again, he punched her in  
15 the face, he dragged her on the floor and whenever he thought  
16 she was pregnant, he would try to force her to have a  
17 miscarriage. For four years Delia was forced to live this  
18 life until she finally found the courage to escape.

19 During this trial you will learn that Delia was not  
20 the only victim the defendants trafficked in this way. In  
21 addition to Delia you will hear testimony from five other  
22 victims, five other women who were forced into prostitution by  
23 the defendants and their relatives. You'll hear from Maria,  
24 you'll hear from Veronica, you'll hear from Fabiola, you'll  
25 hear from Diana, you'll hear from Daisy.

1           This case is about what the defendants did to all of  
2 these women and girls and others who you will hear about  
3 during the course of the trial. It is about the tactics the  
4 defendants used over the course of a decade to deceive them,  
5 to manipulate them and to sexually exploit them for profit.

6           You will learn that each defendant's role varied  
7 depending on the victim. For each victim there was one main  
8 trafficker who recruited her and maintained primary control  
9 over her. But the defendants all worked together to ensure  
10 that both the victims they recruited and those their family  
11 members recruited all stayed in line with their demands.  
12 Their roles varied but the goal was the same, to make money.

13           To recruit their victims the defendants approached  
14 young women and girls often in small towns in Mexico and tried  
15 to seduce them. They gave them gifts and met their families.  
16 They made promises, promises of love or of marriage or of a  
17 better life in the United States. Then they lured their  
18 victims to their family compounds where they made arrangements  
19 to bring them to the United States. They paid smugglers to  
20 transport them on buses or guide them as they walked days  
21 through the desert to get here. But after the women and girls  
22 arrived in the United States a new reality set in. The  
23 defendants told their victims that they had no choice but to  
24 have sex with strangers for money. Money the defendants kept.

25           In forcing their victims into prostitution, the



1 defendants employed a delivery service model, where drivers  
2 took the women and girls to clients all night long. Each  
3 session lasted about 15 minutes and it cost about \$30. During  
4 a six- to seven-hour shift, a girl would typically see between  
5 15 and 20 men. At the end of the shift, half the money went  
6 to the driver and the other half to her trafficker. Every day  
7 the defendants' victims were driven by these delivery drivers  
8 from client to client to client in Delaware, in Connecticut,  
9 in New Jersey, on Long Island and right here in New York City.  
10 Every night before each shift, the defendants would carefully  
11 count out and hand their victims a set of condoms and every  
12 night after each shift they would carefully count the ones  
13 that remained to make sure their victims had turned over every  
14 cent of their earnings to them, then the defendants took that  
15 money and wired it back to Mexico to their own family members  
16 and associates.

17           The evidence will show that the defendants used  
18 threats and force to keep their victims working seven days a  
19 week without a break even if they were sick, or bleeding, or  
20 injured. And you will learn that their victims were often  
21 injured. For years the defendants abused them. They  
22 threatened to hurt or to kill their mothers, their sisters,  
23 their brothers, their daughters. They punched them in the  
24 face and in the ribs, they kicked them and they raped them.

25           This is the life that the defendants forced these

1 women and girls to endure. Day after day, shift after shift,  
2 some of them for months and many of them for years.

3 For smuggling young women and girls from Mexico into  
4 the United States, the defendants are charged with alien  
5 smuggling and immigration offenses. For forcing young women  
6 and girls to have sex against their will for money, the  
7 defendants are charged with sex trafficking, sex trafficking  
8 conspiracy, sex trafficking of minors and prostitution  
9 offenses. And for taking the money that their victims were  
10 given and sending it to their own family members and criminal  
11 associates, the defendants are charged with the illegal  
12 distribution of proceeds of a prostitution business and money  
13 laundering offenses.

14 We will prove these charges to you beyond a  
15 reasonable doubt with several types of evidence.

16 First, the victims. As I mentioned, during the  
17 trial you will hear from the victims themselves. They will  
18 tell you about all the ways the defendants physically and  
19 psychologically forced and coerced them into prostitution,  
20 claims of love, promises for a better life, followed by  
21 threats, violence, slaps, punches, verbal abuse, rape and as  
22 to several victims, forced abortions.

23 Second, you'll see physical evidence that was  
24 recovered from the defendants' and victims' apartments. Some  
25 of these items will include tools of the prostitution trade,

## Opening Statement - Ms. Kellman

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1 condoms, cell phones, notebooks with lists of phone numbers in  
2 them, and dozens and dozens of cars used by delivery drivers  
3 to attract clients, which you'll hear referred to as "chica"  
4 cars during the trial.

5 And finally, you'll see documents that will provide  
6 an inside look into the defendants' prostitution business.  
7 These will include phone records, wire transfer records and  
8 border crossing records that show women coming into the  
9 country and money going out back to the defendants in Mexico.  
10 This is just a summary of some of the evidence that we'll  
11 present during the course of the trial.

12 As you see and hear the evidence you will be exposed  
13 to some of the details of forced sex trafficking right here in  
14 New York City by women who lived through it. Then at the end  
15 of the trial after you've seen and heard all the evidence, we  
16 will come back to you and we will ask you to return the only  
17 verdict consistent with that evidence, and that is a verdict  
18 of guilty. Thank you.

19 THE COURT: Ms. Kellman.

20 MS. KELLMAN: Thank you, Your Honor. Everybody who  
21 knows me knows I don't need a microphone and that I will  
22 probably trip somewhere along the way, but I'll do my best.

23 Members of the jury, criminal prosecution of a  
24 fellow human being presents a lawyer and a jury, each of you  
25 individually and collectively, with a unique challenge.

## Opening Statement - Ms. Kellman

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1 You've heard the government's opening. You've heard words  
2 like smuggling, alien smuggling, trafficking, prostitution,  
3 extortion, and violence. And consciously or unconsciously  
4 that narrative will challenge you. And here's the challenge.  
5 Can you be true to the oath that you just swore in this very  
6 court. The oath to fairly and impartially listen and weigh  
7 the evidence, weigh it impartially and come up ultimately with  
8 a lawful verdict. When each of you took that oath, you  
9 promised the defendants and the Court that you would fairly  
10 try this case, that you would listen and that you would keep  
11 an open mind and that you would remember that the each of the  
12 defendants in this case is presumed to be innocent. As they  
13 sit here today, my client, José Miguel Melendez-Rojas, is  
14 presumed to be innocent. If the trial ended right now and you  
15 were asked to render a verdict, you would have to say not  
16 guilty. And that's true at the end of -- the beginning and  
17 the end of every trial day until such time as the jury is --  
18 the trial ends and the jury goes in to deliberate and that is  
19 the first time that you'll actually have an opportunity to  
20 have a discussion about what, if anything, the evidence  
21 proves.

22 Now, Judge Ross told you in her opening remarks, and  
23 it is very important, that each of the defendants is presumed  
24 innocent and has no obligation to testify, has no obligation  
25 to say anything at all because the burden of proof rests

## Opening Statement - Ms. Kellman

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1 solely and exclusively and always at that table. And if the  
2 government can't prove its case beyond a reasonable doubt,  
3 then your oath requires you to render a verdict -- to return a  
4 verdict of not guilty.

5 Now notwithstanding that the defendants don't have  
6 to say anything, my client, Mr. Melendez-Rojas José Miguel,  
7 has spoken in this very court when he was notified of the  
8 charges, the ones that were read to you by the Judge, he stood  
9 in this very court and said, Your Honor, I am not guilty. Not  
10 guilty.

11 Now, I want to share a little personal story with  
12 and you maybe first I'll tell you who I am. Hi. My name is  
13 Susan Kellman and I represent one of the defendants in this  
14 case and that is José Miguel Melendez-Rojas. Now you may  
15 think this has nothing to do with where we're headed, but I  
16 promise you it does.

17 About a month ago I had a flood in my house and it  
18 was a mess. And the insurance company arranged for me to move  
19 into another house and so I went to look at the house and I'm  
20 looking around, is this where I want to spend the next few  
21 months. It's very uncomfortable and weird, and the people who  
22 live there weren't there. And as I walked through the house  
23 to see if I was comfortable, one of the things I saw was lots  
24 of family pictures around. I saw repeatedly a picture of an  
25 older couple with their arms around each other and then I saw

1 other pictures with 20 somethings and 30 something-year old  
2 kids, also all in photographs and then five, six, three,  
3 four-years olds. So in my mind the evidence that I saw said  
4 that this was an older couple who owned this home and they had  
5 children along the way, and their children had children along  
6 the way and they were very proud of the family that they had  
7 built because the pictures were everywhere.

8           The next thing I noticed as I walked through the  
9 house was at the top of one of the staircases there was a  
10 legal-looking document, although it was awfully pretty, but  
11 legal looking. What it was was something called a Ketubah.  
12 And a Ketubah is something I knew about, it's a Jewish  
13 marriage contract and I recognized the word in Hebrew,  
14 everything else was in Hebrew and it didn't really matter, I  
15 knew what it was, but it said Ketubah.

16           Now, I have a picture of this elderly couple and all  
17 of their children and their children's children and the  
18 Ketubah, so this tells me that they are a married couple, that  
19 they're Jewish and that they have lots of kids and grandkids.

20           (Continued on the next page.)  
21  
22  
23  
24  
25

Opening Statement - Ms. Kellman

23

1 (In open court.)

2 MS. KELLMAN (CONTINUING): So I have seen more facts  
3 and reached more conclusions.

4 I then go into the kitchen to look around, to see if  
5 it's going to be agreeable to me, if I'm going to be  
6 comfortable; and I see something that I don't see in every  
7 house, and it's two sinks. One sink on one island, and one  
8 sink on another island. And this says to me, why do people  
9 have two sinks in the same kitchen? Well, if they were an  
10 observant Jewish family, Jewish families oftentimes, observant  
11 Jewish families, have two sinks because the Torah tells them,  
12 the bible tells them, that you can't mix milk and meat. So  
13 you have one sink where you wash things, dishes that have meat  
14 involved in them, and another one that has dairy involved in  
15 them.

16 You are all dying to know where this is going. I  
17 can see that.

18 Finally, I say to the real estate agent, who has now  
19 joined me, why are these people not here for so many months?  
20 Why are they leaving their beautiful home? And they said,  
21 well, every winter they go down to Palm Beach and they  
22 vacation. Snowbirds is the word, the phrase, I was raised  
23 with. What is a snow bird? It's the old Jewish couples who  
24 go down to Florida, hang around with other old Jewish couples  
25 until it gets warm in New York, and then they come back up.

## Opening Statement - Ms. Kellman

24

1           Why am I telling you this? Because every fact I saw  
2       led to another conclusion, and every conclusion I reached  
3       turned out to be wrong. Every one. Even though as I heard it  
4       I confronted it, and I knew it to be not just reasonable but  
5       the only conclusion I thought I could reach.

6           So the real estate agent, after I told him I liked  
7       the apartment, says you should go back there and try to bring  
8       as much stuff as you can before the couple leaves and get to  
9       meet them. So I ring the doorbell, and I got my dogs, my kids  
10      in the car, and everybody is carrying something. And I ring  
11      the doorbell and an African-American man opens the door, and I  
12      said, oh, I'm sorry. I didn't mean to disturb you. Is  
13      Nathaniel around? Because I was told the man's name was  
14      Nathaniel. He said, oh, I'm Nathaniel. Okay.

15          This did not look like an old Jewish man because  
16      this was a 20-something African-American man. So I'm  
17      thinking, why is this Nathaniel. What am I missing? And then  
18      ten seconds later Dominick comes over, introduces himself, and  
19      puts his arm around Nathaniel; and Nathaniel, a middle-aged  
20      Jewish guy -- and Nathaniel and Dominick are married. And had  
21      I taken the time to look at the Ketubah more carefully, I  
22      would have seen both of their names on the Ketubah.

23          I'm thinking it's this African-American man and this  
24      Italian man, whose parents are Jewish, one of his parents are  
25      Jewish. What's with the two sinks? So now I really just have



## Opening Statement - Ms. Kellman

25

1 to ask because also I don't want to violate. If they do keep  
2 a kosher home, I don't want to violate the rules. Do I need  
3 to keep two sinks? Do you divide by meat and dairy? Oh, no.  
4 Don't be ridiculous. Nathaniel, he is a nut. We have two  
5 dogs. He doesn't like when I wash the dogs' dishes in the  
6 sink where we have our food. So he requires me to use two  
7 separate sinks, one for the dogs and one for our food.

8 So now I have got pretty much everything wrong, but,  
9 still, why is this young gay couple going to Palm Beach to  
10 vacation with all old Jewish people. So I sort of have to  
11 ask, and they say, Palm Beach? Why would we go down to Palm  
12 Beach with all the old people. We go to Palm Springs.

13 Every fact I heard and every conclusion I reached  
14 was wrong. And I tell you this because the most important  
15 thing that you will do here as jurors is keep an open mind.

16 When you hear a fact, file it away, but don't close  
17 your mind to it. You know, I know that every one of you, when  
18 you got the jury notice, you said, yes, I hit the jackpot.  
19 I'm so lucky today. To you especially. I know I'm going to  
20 be a juror. Isn't that just fantastic? And this morning,  
21 when you were on your way here -- whether it was by bus or by  
22 train -- you may read the newspaper or read some news online,  
23 and you were allowed to believe it. You didn't have to  
24 believe it, but you were allowed to believe it.

25 But that all changed when you took the oath just a

## Opening Statement - Ms. Kellman

26

1 little while ago, because once you take the oath you can no  
2 longer believe everything you hear, like I do. You have to  
3 critically -- you have to listen with a critical ear. You  
4 have to decide whether or not you are getting a true story,  
5 whether or not you are getting the whole story. And you can't  
6 do that until you have heard it all.

7 I will make you one promise, and that is that when  
8 this trial is over you will feel the better for having served  
9 as jurors because it is as important a role as we get as  
10 citizens of this great country. You will see that when you  
11 enter the room, we all rise, and we rise for three reasons.

12 One, we rise to show our respect for the office of  
13 juror, because that's who you are now. You are officials.  
14 You are jurors.

15 We also rise to remind you that you are the sole  
16 judges of the facts. Judge Ross is the sole judge of the law.  
17 She will tell you what the law is. But it's your job to  
18 figure out what the facts are; and because you hear something  
19 on Monday, it may not be the same on Tuesday because other  
20 pieces of the puzzle get filled in; and whenever you are not  
21 sure about that, I want you to think about Palm Beach and  
22 think about the dog's sinks, but the reality is the  
23 conclusions I reached I would have sworn to. They were  
24 100 percent. But they were 100 percent wrong. So I beg you,  
25 keep an open mind.

Opening Statement - Mr. Golub

27

1           The third reason -- I did tell you there were three  
2 reasons we rise -- and the third is to remind each of you of  
3 the importance of your office and to show our respect for each  
4 of you as jurors.

5           My client and the other defendants in this case are  
6 presumed to be innocent, and, at the end of the day, at the  
7 end of the case, members of the jury, it is my fervent hope  
8 that when you weigh all of the evidence that you come to the  
9 only fair and just conclusion, and that is that José Miguel  
10 Melendez-Rojas is not guilty.

11           Thank you very much.

12           Thank you, Your Honor.

13           THE COURT: Mr. Golub.

14           MR GOLUB: Something I have never needed was a  
15 microphone. Oh, boy. It's after 5:00. You are looking  
16 tired, exhausted. I can't possibly match what you just heard.

17           My name is Mitchell Golub. Good afternoon. I  
18 represent José Osvaldo Melendez-Rojas. He has the blue shirt  
19 on.

20           As Ms. Kellman told you, you have taken an oath.  
21 You said you would keep an open mind. You are going to listen  
22 to the evidence in this case and you are going to follow the  
23 judge's instructions, and the first one she told you was that  
24 my client -- all the defendants that are here -- are presumed  
25 innocent.

## Opening Statement - Mr. Golub

28

1           They have made the only statement they ever have to  
2 make in the case by pleading not guilty. They are accused by  
3 an indictment. They pled not guilty. There is nothing  
4 further they have to do in the case.

5           Now, the government has presented to you a version  
6 of the facts, as they think they are going to prove them; and  
7 what I had planned to do as the defense attorney in this case  
8 is to question and challenge the witnesses that you are going  
9 to hear. As Ms. Kellman already told you, you can't take  
10 anything that you hear at face value because as jurors that  
11 have taken the oath, you have to be critical and listen to  
12 everything that you hear.

13           What you have been told here was in the accusations  
14 that women had come that are victims of sex trafficking, money  
15 laundering, a whole slew of other charges that are all related  
16 to that. What do you need to know about all of this? What  
17 you need to know is that each of these women who is going to  
18 come in here and testify for you, and they are going to take  
19 an oath and they are going to swear to tell the truth, but you  
20 have to decide if they are actually telling the truth.  
21 Because one of the things that you have to consider when you  
22 hear what they say is, what are they getting out of their  
23 testimony? Why are they doing this? What is the purpose of  
24 that?

25           What you are going to find out in the case of each

## Opening Statement - Mr. Golub

29

1 of the women is that each of them face charges of  
2 prostitution, they face charges of illegal entry into the  
3 country. They face all these other charges they could face  
4 jail time for, and then eventually deportation afterwards.  
5 What you are going to find out is that each of these women --  
6 in exchange for saying that not that they voluntarily were  
7 prostitutes and not that they voluntarily came to this country  
8 to do this because they wanted to make a living because they  
9 were impoverished in Mexico -- what they did here, they did  
10 this because of the fact that the government says to them, oh,  
11 if you are -- if you are a victim of sex trafficking, no  
12 verdicts. We are not going to prosecute you.

13 In fact, we are going to give you a visa and we are  
14 going to help you get a green card so you can stay here  
15 permanently. You are not going to face any charges and you  
16 are going to get your dream. You wanted to come here to  
17 America to stay? You are going to get here to stay. You were  
18 here illegally, you are subject to deportation? Not anymore.  
19 You are facing criminal charges? Not anymore. All of that  
20 changes by virtue of the fact that you have taken the witness  
21 stand now and you are saying whatever actually happened, I was  
22 a victim of sex trafficking.

23 So the credibility of the women who come in here is  
24 an issue in the case. It's a central issue in the case. So  
25 what I want you to do when you are listening to the women --

## Opening Statement - Mr. Golub

30

1 and particularly listening to cross-examination -- is say is  
2 there a motive for them testifying the way they did. Because  
3 none of us are going to dispute that the women were  
4 prostitutes. The question is: Were they doing this of their  
5 own volition, of their own free will; and only now, because  
6 they are otherwise facing prosecution for it, criminal  
7 charges, deportation, everything else, having now turned  
8 around and said, well, I was forced to do it, I was a victim.  
9 That's the key issue in this case.

10 My client is here because, as I said, he pled not  
11 guilty. He says, I haven't forced anybody to do anything.  
12 People who have come here, came here of their own free will.  
13 Nobody twisted their arm. Nobody hijacked them. Nobody snuck  
14 them in against their will. They all came here willingly.  
15 They all engaged in prostitution willingly, but they are now  
16 changing the scenario because the government is now going to  
17 give them a green card. The government is going to give them  
18 benefits. They are going to do all these other things for  
19 them in exchange for their testimony. You have to consider  
20 that in evaluating the situation in this case.

21 So again, it's late. The hour is late. I'm not  
22 going to belabor any more. I'm going to ask you to keep an  
23 open mind, and, I hope, if you do that and you follow the oath  
24 as jurors, at the end of the case you are going to find that  
25 the people have not met their burden of proof and not proven

## Opening Statement - Mr. Dunn

31

1 the charge against my client; and I'm going to ask you to come  
2 back with a verdict of not guilty. Thank you.

3 THE COURT: Mr. Dunn.

4 MR. DUNN: I'm ready. Good afternoon, ladies and  
5 gentlemen. Good afternoon to the government team and to the  
6 defense. Mr. Melendez-Rojas, my client, is the gentleman in  
7 the blue sweater with the white stripes.

8 I know I can't be more eloquent than Ms. Kellman  
9 was, and she basically put in a nutshell basically what I was  
10 going to say, not as elaborate and things like that. So what  
11 you are going to hear is you are going to hear a lawyer  
12 probably talk less than a minute.

13 And this is basically what I want to say. The  
14 government talks about evidence, evidence, evidence. The  
15 question is: Is it a fact? Is it true? You can drive a  
16 truck in here with a lot of different things, but is it  
17 evidence. If it is evidence, is it a fact? Is it true? Is  
18 it credible?

19 So you are going to have to look at these witnesses,  
20 and they are going to testify. As they testify, that is  
21 evidence. Is it true? Is it a fact? And as you see them on  
22 direct examination, how they answer the prosecution -- the  
23 prosecutors, and as you see them on cross, if lawyers ask them  
24 on cross-examination -- because we don't have to do anything;  
25 I can go back over there and just go to sleep if I want to --

Opening Statement - Mr. Gold

32

1 but just remember that, people say it's evidence but is it a  
2 fact? Is it true?

3 At the end of this case, I'm going to come back, and  
4 I will point out to you why I don't think certain things are  
5 true or factual. I'm going to ask you to return a verdict of  
6 not guilty.

7 Thanks very much. A little over a minute.

8 THE COURT: Mr. Gold.

9 MR. GOLD: Thank you. Good afternoon. My name is  
10 Michael Gold. I represent Francisco Melendez-Perez, who is  
11 seated next to me at the table.

12 We spent a lot of time this morning -- Judge Ross, I  
13 should say, spent a lot of time this morning talking to you  
14 about the charges in this case and how dramatic, inflammatory,  
15 sensitive, offensive that they are. To try and steel your  
16 resolve and determine whether or not each and every one of you  
17 were appropriate and ready to serve on a case of such a  
18 nature.

19 Frankly, it was impossible this morning, as you  
20 heard a sterile recitation of what was to come before you, I  
21 think, for you to truly get the picture of what your task will  
22 be over the next several weeks.

23 You just heard from my friend, Ms. Kassner. She has  
24 described to you -- in excruciating, horrific detail --  
25 stories that you will hear from the witness stand; and,



## Opening Statement - Mr. Gold

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1 frankly, while you each took an oath, you are determined to  
2 satisfy that oath, we, all of us in this courtroom, are  
3 relying on your ability to follow that oath, I'm scared to  
4 death.

5 I'm scared to death that the very nature of this  
6 case, the very charges in this case will make that impossible  
7 for you. That upon hearing stories of 14-year-olds being  
8 forced into prostitution, your blood starts burning, your  
9 stomach starts turning, and your mind turns off, that that's  
10 it. Why? Because it's revolting. I don't blame you. I get  
11 it.

12 But that's your job. You signed up for individual  
13 justice, not mob vengeance; and we are counting on you. I'm  
14 counting on you. My client is counting on you.

15 Now, as you see, there are five defendants here,  
16 each represented by separate counsel. You have heard they are  
17 related in various ways. But while they may be related and  
18 the charges somewhat overlap, in all important respects, in  
19 essence, these are five separate charges. That's why they  
20 each have five separate counsel.

21 While we will try, because we are not a team, we  
22 will try not to repeat the same things, I'm going to stand  
23 here now and try not to repeat the same things my colleagues  
24 have already told you and discussed with you, but, frankly,  
25 it's inevitable. There will be questions that are

## Opening Statement - Mr. Gold

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1   repetitious. There will be themes that are discussed that are  
2   duplicative. It's unavoidable, and I apologize to you in  
3   advance, but it's going to happen.

4           Now, I believe Judge Ross has already indicated that  
5   nothing I'm telling you is evidence. Nothing that my friend  
6   Ms. Kassner has told you is evidence. And there is good  
7   reason for that. If Ms. Kassner was a witness, she would be  
8   called to the witness stand, she'd take an oath similar to the  
9   oath that you took, and then she would tell you, raise her  
10   hand and tell you all the things that she told you during her  
11   opening statement, all of those horrific, despicable,  
12   revolting things. Frankly, you would probably believe her.  
13   She's got a good job. She has no ax to grind. She is not  
14   here with an agenda. She won't benefit or suffer from the  
15   outcome of this case in any regard.

16           She is here, as you would expect anybody to take a  
17   witness stand in the courts of the United States of America,  
18   raise their right hand, swear to tell the truth, and do  
19   exactly that, tell the truth. She's a hard witness to  
20   challenge and, frankly, you would believe her. But here is  
21   the catch. She is not a witness. She didn't see any of the  
22   things she told you occurred. She didn't hear any of the  
23   things that these witnesses who will be coming before you will  
24   claim to have had happen to them.

25           The evidence in this case will come from human

## Opening Statement - Mr. Gold

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1 beings. Human beings with maybe horrific stories of a  
2 personal history, but human beings who you must scrutinize and  
3 challenge in your mind, as we will with our questions, to  
4 ensure the truth surfaces. Because, as in my example,  
5 Ms. Kassner had no ax to grind, no benefit, no agenda, that's  
6 not the case with the witnesses who are going to come here  
7 before you. Because from the very start of this  
8 investigation, you will hear that they had a very real and  
9 life-altering stake in the outcome of this -- of first the  
10 investigation and now very well on the outcome of your  
11 verdict.

12           It is that self-interest that we will come to you --  
13 I will come to you at the end and highlight as one of many  
14 reasons why Delia should not be believed. As you heard, she  
15 is the primary witness against my client, against Francisco.  
16 And there, she has led a life that no one should lead. She  
17 has suffered in a way that no one should suffer.

18           She was 14 when she met Francisco, as Ms. Kassner  
19 told you. Before that -- that's not even remotely when the  
20 worst part of her life occurred. Because she will tell you  
21 that at the age of nine and ten she was raped by her father  
22 and her uncle, repeatedly. And her mother didn't believe her.  
23 And so she ran away. She left them.

24           Imagine that? Nine, ten years old. Your heart will  
25 go out to her, as it should, unless you are dead. You can't

## Opening Statement - Mr. Gold

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1 help it. But being sympathetic is not the same as being  
2 credible. And that's what you are going to have to bear in  
3 mind.

4           It was because of this -- I run out of adjectives.  
5 I don't even know how to -- because of her life as she led it,  
6 she desperately needed to get out of Mexico. She desperately  
7 needed to get away. And she met Francisco, she fell in love  
8 with him at the tender age of 14, as Ms. Kassner told you; and  
9 he broached with her the subject of leaving Mexico and  
10 starting a life in the United States, together, as a couple.  
11 She was a baby.

12           What Ms. Kassner didn't mention is that Francisco  
13 was a baby too. He was 15, 16. Two babies falling in love,  
14 deciding to strike out in America. This is a story that  
15 generations have heard and been told, and now she thought it  
16 was their turn.

17           They didn't have any jobs awaiting them when they  
18 got here. They didn't have their own apartment. They didn't  
19 have income. But she so desperately needed to get away and  
20 was so in love, as Francisco was with her, that these two  
21 babies came here.

22           Once they came this wasn't some romantic fantasy.  
23 It's not some sitcom. It was real life. And the reality of  
24 no money, no income, no job, immediately became self-apparent,  
25 on top of which carrying an \$11,000 debt to smugglers --

## Opening Statement - Mr. Gold

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1 coyotes, as they may or may not be referenced during the  
2 course of the trial -- that was owed and had to be repaid.  
3 This is no joke. These are bad people.

4           So what happens? She makes a decision. This little  
5 baby coming from an horrific background of abuse, assumed that  
6 perhaps the best and only way to survive was to appeal to that  
7 base, vile instinct; and she decided to become a prostitute.  
8 She was not forced, coerced, tricked into coming here. She  
9 came of her own volition, out of love and desire to be here  
10 with the man of her choice. I'm not saying it was a good  
11 choice, but it was hers.

12           And the goal and intent was that they would come  
13 here, and she would work for whatever period of time it would  
14 take to pay off the smugglers, to buy a house together in  
15 Mexico and return as a couple. That's what happened. After  
16 several years, this is how it continued. They lived together  
17 as man and wife.

18           Her job -- and you will hear the details of it, I'm  
19 quite sure -- was reprehensible. But that's what she suffered  
20 because, as Ms. Kassner stated, didn't want to be arrested,  
21 didn't want to be deported, was still trying somehow to etch  
22 out a place that was safe to return to in Mexico with her --  
23 for all intents and purposes, her husband, raise a family and  
24 live there.

25           Slowly that dream died. By April 2014, it was clear

## Opening Statement - Mr. Gold

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1 the relationship was over, and she left and she walked into  
2 the police -- arms of the police. And, as you have heard,  
3 made an arrangement, helped by the government, to qualify and  
4 file for this T visa that gave her legal status here and  
5 permits her to be here to this day. Now, there is no  
6 agreement on paper.

7 And let me clarify that and make sure you  
8 understand. There is no deal on the table that says that if  
9 Delia testifies before you in this trial that all her troubles  
10 are washed away, no criminal charges will ever be brought to  
11 bear against her. This is not on paper.

12 And let me make something else perfectly clear. At  
13 no time did any of my friends behind me at the government  
14 table ever suggest, tell, threaten, coerce -- fill in whatever  
15 word you want -- to force her to come here and testify.  
16 Didn't happen. They didn't do that. I will not allege that  
17 ever.

18 But if you think in her mind that it's just a  
19 coincidence that she hasn't been charged as long as she came  
20 forward and was willing to testify against Francisco and the  
21 others, and that it's merely coincidental that while she came  
22 here illegally, as did Francisco -- she will be on the witness  
23 stand; he sits at the table -- while she was here, sending  
24 money back, wire transferring money back to Mexico -- as my  
25 client Francisco is accused of doing -- she appears on the

## Opening Statement - Mr. Gold

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1 witness stand, he sits at the table. All these things happen.

2 If you think for a minute that in her mind it's  
3 coincidental that he is at the table, she is on the witness  
4 stand, and that she got this legal status as a gift, and that  
5 there was no -- God, I hate even saying the word --

6 quid pro quo, well, I tell you what. If you believe it's a  
7 coincidence, when you go out tonight, take a good look at the  
8 bridge because tomorrow morning I want to sell it to you.

9 She absolutely links her appearance, her complaint  
10 that she first filed in April of 2014, she absolutely links it  
11 with her ability to stay her legally and to avoid being a  
12 codefendant at the table and instead being a witness against  
13 him.

14 So aren't you happy I'm flipping all these pages  
15 here. That's pretty good.

16 Now, you will also hear -- and I'm going to finish  
17 soon, I promise. It's a long day. You will hear that  
18 prostitution in Mexico is considered differently than it is  
19 considered here. In fact, in the state of Chiapas, which is  
20 where Delia is from, the state actually runs a brothel. It's  
21 legal.

22 And I want you to remember that I just said that to  
23 you; and, when you listen to the testimony, I want you to  
24 remember that and ask yourself a question. After everything  
25 you just heard from my friend Ms. Kassner, with prostitution

## Opening Statement - Mr. Gold

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1 being legal in Mexico, in Chiapas, her very own hometown, home  
2 state, was it really necessary for 16-year-old Francisco to  
3 seduce and trick, coerce, force a very unwilling 14-year-old  
4 to come to America and work as a prostitute under threat of  
5 death to her and her family? Was it really necessary to do  
6 that when you have got all of these legally working  
7 prostitutes that could easily have been approached without  
8 force, without threat, and ask, hey, you want to go to America  
9 and work with me as a prostitute? What's so hard?

10 And then, when you come here, to live with her for  
11 three and a half years as husband and wife. Was that really  
12 necessary? I want you to think about that. At the end of the  
13 case, I'm going to come back to you and I'm going to answer  
14 that question to you based on the evidence that will be  
15 adduced during the course of the trial; but have that in mind,  
16 with everything you hear, every witness that speaks  
17 particularly Delia.

18 Why? Why? Why go through all that trouble? All  
19 that hassle? Worrying that this victim -- you are victimizing  
20 somebody; that this victim is going to turn on you; that this  
21 victim is going to come and fill a complaint against you. Go  
22 to an 18-year-old, go to a 17-year-old. Want to come to  
23 America? The money is better.

24 I'm not afraid of your sober, fair, and honest  
25 evaluation of the evidence; and, if you find, at the



## Opening Statement - Mr. Hueston

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1 conclusion of that, that the government has met its burden,  
2 don't hesitate to convict. I don't believe you will because I  
3 don't think the evidence will support that, because, having  
4 said all of this, don't think for a minute I'm standing here  
5 advocating for prostitution or for sex trafficking, for forced  
6 sex of any kind. I don't.

7 I stand here advocating for Francisco, and the  
8 evidence in this case allows me to do both without a conflict.  
9 I am confident that at the end of this case, when all the  
10 evidence has been presented to you, that you too will conclude  
11 that the government has not met its burden of proof beyond a  
12 reasonable doubt; and I will come to you and ask you to return  
13 a verdict of not guilty.

14 Thank you. Thank you.

15 THE COURT: Mr. Hueston.

16 MR. HUESTON: Thank you, Your Honor.

17 It's late. But there is some formality I'm going to  
18 do, and this is how I have been trained in doing this job for  
19 these years.

20 May it please the court, Judge Ross, colleagues,  
21 ladies and gentlemen of the jury. My name is Michael Hueston,  
22 and I represent Abel Romero-Melendez. You see him at the end  
23 of the table.

24 Now, you have heard a lot of concepts, and I'm the  
25 fifth opening statement you have heard and I'm going to try to

## Opening Statement - Mr. Hueston

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1 be brief. I have been taking notes. You may have noticed, if  
2 you have been watching me at all, that I have been scratching  
3 things away, because there is less and less for me to say and  
4 not waste your time; but a couple of things I must say to you  
5 today.

6 First, again, a defendant has no obligation to offer  
7 proof or argument in his defense. This is a key principle of  
8 our constitutional superstructure. Not every society has it.  
9 They don't value it. Why? Because we believe that the  
10 government has that sole burden. And you, as the trier of  
11 fact, have that sole responsibility to make that decision.  
12 It's valuable, it is sacred, it is completely necessary for a  
13 free society.

14 Now, I do want to make a couple of brief statements  
15 about what I think the evidence is going to show. I think you  
16 have begun to see it being presented in the different opening  
17 statements that you have heard, and I think I can boil it down  
18 to one word. It's resistance. Resistance. Now, why do I use  
19 that term? Why do I think it's important?

20 I used to study war theory. It was Carl  
21 von Clausewitz, in "On War," and he wrote in that book, in  
22 that treatise -- that they study at West Point, that they  
23 study around the world -- that the closest thing to warfare is  
24 litigation. That's how serious this is. We know lives are at  
25 stake. Freedom is at stake. This is deadly serious business,

## Opening Statement - Mr. Hueston

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1 and I will carry it out with a deadly serious concentration on  
2 behalf of my client.

3 Now, this is an adversarial process. This, despite  
4 the decorum and the sacredness of this courtroom, this is a  
5 field of combat; and what you are going to see over the next  
6 days, perhaps weeks, is a series of engagements, where lawyers  
7 are going to ask questions of witnesses. The government is  
8 going to put them up, and we are going to question them.  
9 Obviously, we have an obligation to be fair. We have that.

10 It's such an important obligation, to be fair; but  
11 we have an absolute right to make sure our clients are not in  
12 any way denied clear, concise, precise, persistent, dogged  
13 questioning to make sure that the people who have been brought  
14 here are telling the truth; and, as each one of the lawyers  
15 have said, they have a motive. They have reason to lie, to  
16 fabricate.

17 So, yes, this will be about resistance. You are  
18 going to see the government is going to use various methods, I  
19 would assume. Photos. They may try to put charts or  
20 spreadsheets, sort of create this menagerie, this image, that  
21 somehow this is all perfectly okay; that there is really no  
22 basis to really doubt what they are putting forward.

23 But I want you to really focus on the questioning  
24 that you are going to -- about to see, and, you know, in part  
25 of war theory -- I'm not going to talk about what I'm going to

Opening Statement - Mr. Hueston

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1 attempt to do. You know, there is an element of surprise in  
2 this. You will see patterns from the defense emerge  
3 throughout this case that will undermine their credibility;  
4 that will put in doubt the government's arguments and proof.  
5 I'm going to ask you to look for those patterns.

6 Now, at the end of these skirmishes, so to speak,  
7 these engagements, we are going to come back, and I'm going to  
8 then talk about it in summation. And at that point I really  
9 will be clear about those patterns, and I will be going over  
10 each of the witnesses that I think are important to the  
11 government's proof and breaking them apart. I have no doubt  
12 about that.

13 (Continued on the next page.)  
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## Opening Statement - Mr. Hueston

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1 MR. HUESTON (CONTINUED): And at that point I  
2 really will be clear about those patterns. And I will be  
3 going over each of the witnesses that I think they're  
4 important to the Government's proof in breaking them apart.  
5 I have no doubt about that.

6 And as all the lawyers have said, until that time,  
7 you know, you must keep an open mind. Obviously don't  
8 accept anything I'm saying as the truth. It goes beyond  
9 common sense to ask for your trust. You know, that's  
10 something you earn. And I'm hoping and it's my duty and my  
11 obligation over the time of this trial, that I will ask  
12 those questions. I would have shown the weaknesses of  
13 the Government's case and then you will trust that it is  
14 appropriate to bring a verdict of not guilty for my client.

15 Thank you.

16 THE COURT: Ladies and gentlemen, it's been a  
17 really long day. You have been wonderful jurors. I know  
18 the entire process through jury selection was a very  
19 difficult one and a trying one, and here you are at ten  
20 minutes of 6:00. I'm sorry to have kept you so late, but it  
21 made a certain sense for you to hear all of the opening  
22 statements. We'll come back tomorrow. If you'll be in the  
23 jury room at 9:30, Dennis will get you and bring you up to  
24 the courtroom and we'll commence with witnesses tomorrow  
25 morning.

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1 Thank you so much. Don't talk about the case.

2 THE COURTROOM DEPUTY: All rise.

3 (Jury exits the courtroom.)

4 (The following matters occurred outside the  
5 presence of the jury.)

6 THE COURT: There's something I would like to talk  
7 about initially. One of the jurors, I believe it was Juror  
8 Number 7, Dennis is going to detain her. Made some comment  
9 that she had some appointment tomorrow afternoon that she  
10 had to attend. I'm going to find out what that is. I don't  
11 know what -- I mean, it's a little ridiculous. Why don't we  
12 do that first, and then we'll go into anything else that we  
13 need to do.

14 Emily, will you see if Dennis has that juror.

15 THE COURTROOM CLERK: Yes.

16 THE COURT: I believe it's Juror Number 7.

17 THE COURTROOM CLERK: One moment.

18 THE COURT: Okay.

19 (Pause in proceedings.)

20 THE COURTROOM DEPUTY: All rise.

21 (Jury enters the courtroom.)

22 (Jury present.)

23 THE COURT: Please be seated everyone.

24 You are Ms. Matos; is that right?

25 PROSPECTIVE JUROR: Yes.

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1 THE COURT: I gather you indicated to Dennis that  
2 you had some kind of an appointment tomorrow?

3 PROSPECTIVE JUROR: On the 12th.

4 THE COURT: On the 12th, which is a week?

5 PROSPECTIVE JUROR: Thursday.

6 THE COURT: Huh?

7 PROSPECTIVE JUROR: Next Thursday.

8 THE COURT: What is the appointment?

9 PROSPECTIVE JUROR: A doctor's appointment.

10 THE COURT: I'm sorry?

11 PROSPECTIVE JUROR: Doctor's appointment.

12 THE COURT: A doctor's appointment.

13 Would you rather discuss this at sidebar with  
14 counsel?

15 PROSPECTIVE JUROR: Sure.

16 (Continued on the next page.)  
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1 (The following occurred at sidebar.)

2 (Prospective juror approaches.)

3 THE COURT: Let's wait until they all get here.

4 Okay. What kind of doctor appointment?

5 PROSPECTIVE JUROR: Mammo.

6 THE COURT: Mammogram?

7 PROSPECTIVE JUROR: Uh-huh.

8 THE COURT: Have you already had one; this is a  
9 follow-up?

10 PROSPECTIVE JUROR: Right.

11 THE COURT: This trial will probably be over a day  
12 or so later. I can understand your concern about the  
13 appointment.

14 You can see where we've now launched into what has  
15 been a very complex trial to put together?

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: It's taken months on the part of the  
18 Government, Defense Counsel, and my Chambers. It will all  
19 be over in two weeks. Will you make an effort --

20 PROSPECTIVE JUROR: Sure.

21 THE COURT: -- to change the appointment?

22 I think it will probably be okay early the next  
23 week, but just to be certain, if you could change it from  
24 the middle of next week because, of course, we would like to  
25 have you stay on the jury?



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1 PROSPECTIVE JUROR: Sure.

2 THE COURT: You've been selected because everybody  
3 wanted you.

4 So I do understand your concern about -- but, of  
5 course, somebody can fit you in an mammogram. Thank you?

6 PROSPECTIVE JUROR: Thank you.

7 (Prospective juror exits.)

8 THE COURT: Dennis will take you out.

9 MR. GOLUB: Judge, while we're here, maybe we can  
10 find out once and for all the order of witnesses for  
11 tomorrow?

12 THE COURT: Yeah, I was going to ask that.

13 MS. ARG0: We were actually going to put it on the  
14 record.

15 THE COURT: Yes, we can sit down and do it in open  
16 court.

17 (Continued on the next page.)

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1 (Sidebar ends; in open court.)

2 THE COURT: Okay.

3 MS. ARGO: Your Honor, the Government plans to  
4 call as witnesses Daisy and then Maria.

5 THE COURT: Daisy and Maria?

6 MS. ARGO: Yes, Your Honor.

7 THE COURT: All right. And I take it there's no  
8 doubt but that will take up the whole day?

9 MS. ARGO: We believe so, Your Honor. We believe  
10 that to be accurate.

11 THE COURT: Okay.

12 Any other questions?

13 MR. GOLUB: That was it.

14 MS. KELLMAN: How about Day 2.

15 THE COURT: Well, actually do you happen -- do you  
16 know who you were thinking of for the next day?

17 MS. HAJJAR: We don't, Your Honor. We think it  
18 may be another victim witness, but we would like to just see  
19 the first witness and have a determination then. We expect  
20 this will go well into the second day.

21 THE COURT: You expect?

22 MS. HAJJAR: That these two witnesses will go into  
23 the second day.

24 THE COURT: Will go into the second day.

25 MS. HAJJAR: Yes.

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1 THE COURT: All right. And can you tell us what  
2 witnesses you are considering as the third witness, just so  
3 counsel can be can prepared?

4 MS. HAJJAR: The two witnesses that will likely  
5 follow but the order may shift, Your Honor.

6 THE COURT: That's okay.

7 MS. HAJJAR: Are Delia and Fabiola.

8 MR. GOLD: Which Fabiola?

9 THE COURT: The Fabiola who was the Jane Doe  
10 Fabiola.

11 MS. HAJJAR: Correct.

12 MR. GOLD: Thank you.

13 MS. ARGO: Your Honor, I also had brought with me  
14 to court stipulations that each defense counsel has  
15 indicated that they do plan on signing.

16 THE COURT: Let's do it right now. Get out your  
17 pens.

18 MS. ARGO: With respect to that, I do understand  
19 that I think defense counsel would like to address the  
20 admissibility of the records, not the authenticity of the  
21 records. I believe that would be their characterization of  
22 their signing of the stipulations and the Government's happy  
23 to address those concerns around the admissibility.

24 THE COURT: Well, we might as well do it tonight  
25 instead of waiting to do it.

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1 MS. ARG0: Okay.

2 THE COURT: When would you put this in?

3 MS. ARG0: The records, Your Honor?

4 THE COURT: Yes.

5 MS. ARG0: It would be towards the end of this  
6 week.

7 THE COURT: Okay.

8 MS. ARG0: It could be as early as late Wednesday,  
9 early Thursday.

10 THE COURT: Okay. These are the telephone  
11 records?

12 MS. ARG0: Telephone records and wire records,  
13 Your Honor, wire remitter records.

14 THE COURT: And precisely what are the defendants  
15 objecting to in terms of relevancy of the wire records and  
16 telephone records?

17 (No audible response.)

18 THE COURT: Don't all speak at once.

19 MR. HUESTON: Your Honor, I'll volunteer.

20 My real issue deals with two -- the witnesses that  
21 have been identify in the 3500 material.

22 THE COURT: I know and they're now in the 3500  
23 material, but they're not going to be called, right?

24 MS. HAJJAR: Likely not, Your Honor, no.

25 MR. HUESTON: So it's Cristina and Lizbeth.

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1 THE COURT: Right.

2 MR. HUESTON: The argument is this, Your Honor:  
3 Given that I see it so that the shifting nature of who are  
4 they? At one point earlier in the case when we were doing  
5 our pretrial motions, the Government made the statement in  
6 its motion in opposition to my motion when I was seeking  
7 breaking here, Your Honor, that the Government was not  
8 claiming or alleging that my client or any of the  
9 co-defendants trafficked either of these two women.

10 THE COURT: It's my understanding is that that has  
11 been the Government's position, they were not trafficked; is  
12 that correct?

13 MS. HAJJAR: Your Honor, I think we made this  
14 clear at the status conference before Your Honor a little  
15 while ago.

16 The Government's -- Mr. Hueston's client is not  
17 charged with trafficking those two women.

18 THE COURT: Right.

19 MS. HAJJAR: However, testimony and evidence  
20 regarding those two women, the circumstances under which  
21 they came to the United States, that they were forced --  
22 that they were forced into prostitution will come out at  
23 this trial. It is part of the sex trafficking conspiracy,  
24 and it is a conspiracy -- it is a conspiracy.

25 THE COURT: No, I know it's a conspiracy and if it

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1 comes in through the rules, it would be relevant. But I  
2 guess in terms of your concern, nobody is saying that your  
3 client did anything.

4 Is that correct?

5 MS. HAJJAR: That's not correct. That's not  
6 correct.

7 THE COURT: Do you mean as part of the conspiracy?

8 MS. HAJJAR: Yes.

9 In other words, witnesses will testify about their  
10 observations of those witnesses.

11 THE COURT: Yes, and they can.

12 MS. HAJJAR: And so to the extent Mr. Hueston is  
13 arguing that evidence related to these two women -- I'm not  
14 sure --

15 THE COURT: I think I made clear that evidence  
16 relating to those women insofar as it came in as non-hearsay  
17 testimony, as legitimate evidence, insofar as it's relevant  
18 and could well be relevant. It could be very relevant to  
19 one or more defendants, I have no idea. And in that sense  
20 it's relevant to the conspiracy, but nobody will say that  
21 your client personally was involved in trafficking of them.

22 Is that correct?

23 MS. HAJJAR: That's not correct, Your Honor. I  
24 think that evidence will come out through these -- in non-  
25 hearsay -- not implicating hearsay at all.

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1 THE COURT: Okay.

2 MS. HAJJAR: But these direct observations will  
3 come out in evidence.

4 THE COURT: Direct observations can come out.

5 I'm sorry, it was awhile since we did those  
6 motions but I think I went through a whole list of things  
7 that I thought could come out very legitimately.

8 MR. HUESTON: You did, Your Honor, and the reason  
9 I bring it up because we had this sort of -- I think it's  
10 fair to describe sort of this varying position of the  
11 Government. I understand what they're saying now. And I  
12 understand the rulings that have been made that there are  
13 non-hearsay needs to, you know, put in these two women's  
14 experience, then they're going to attempt do that.

15 My concern is this: That say, for instance, with  
16 the wire records, and the wires will have Cristina Sanchez  
17 Sanchez and will have \$85,000 that she sent over a period of  
18 years. Now they put that record in of wire transfers. And  
19 at the end of the day if there's no one talking about  
20 Cristina or Cristina doesn't even come to testify, you know,  
21 we're not clear about that, then I'm concerned that the  
22 Government's not -- not have the position, we'll not be able  
23 to say, well, here we showed you that Cristina was  
24 trafficked because of these wire transfers but --

25 THE COURT: Well, I think that's something that's

1 going to be part of your summation. The Government's going  
2 to argue that whatever evidence they have proves that these  
3 people were trafficked and that's why this is relevant. And  
4 you're going to argue they don't have enough evidence to  
5 even prove these people were trafficked, so this the  
6 completely irrelevant.

7 MR. HUESTON: Your Honor, not to belabor the  
8 point, now the stippling out to phone records, we have the  
9 same issue. So it's known that Cristina Sanchez or Lizbeth  
10 is using and the Government is going to say, well, this  
11 shows that they were involved, they were being trafficked, I  
12 get --

13 THE COURT: No, I mean -- the fact that  
14 somebody -- those phone records, there are a lot of  
15 different people who may or may not have used individual  
16 telephones. And I think -- you know, I don't know whoever's  
17 going to testify about it, but I suspect that  
18 the Government's isn't even saying that everybody who is  
19 listed used the phones.

20 MR. HUESTON: Uh-huh.

21 THE COURT: So I don't think -- I don't anticipate  
22 that that's going to be a problem.

23 MR. HUESTON: What I don't want to be in a  
24 position, you know, I've created a record here and I don't  
25 want to waive an issue and I see that --



1 THE COURT: You're not waiving any issue you want.

2 And the other thing is insofar as it's going to be  
3 a relevancy issue before the jury, that is all subject to  
4 argument at summation. And it seems to me everybody is up  
5 for grabs at summation.

6 I don't know what evidence the Government is going  
7 to have as to particular individuals and particular phone  
8 calls. But, you know, if they haven't proven their case,  
9 that somebody used a phone to make a connection, if all  
10 they've proved is maybe this person had access to this  
11 phone, but we have absolutely no idea who this person  
12 called, or this phone may have called that phone, but we  
13 don't know who did it and we don't know who got it, that's  
14 all you're arguing.

15 You're not waiving that argument as to ultimate  
16 relevance. But I certainly can't say having gone through  
17 many of those documents and charts that it is so irrelevant  
18 that I would keep it out.

19 MR. HUESTON: This is the issue, Your Honor, that  
20 I'd see there's a difficulty for me to say, okay, I agree  
21 to -- to their admissibility in terms of -- what I hear from  
22 the Government is that they believe that they're relevant.  
23 Our position is they're not relevant.

24 THE COURT: Well, yes, but there are two different  
25 kinds of relevancy. One I decide.

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1 MR. HUESTON: Yes.

2 THE COURT: And the next one the jury decides. I  
3 anticipate, unless I hear something different, that they are  
4 relevant for purposes of going into evidence, but their  
5 ultimate relevance to the jury is something that will no  
6 doubt be vehemently argued during summations and you haven't  
7 waived anything like that.

8 MR. HUESTON: I appreciate that, Your Honor, but  
9 what I'm saying is if that's the Court's ruling I am going  
10 to maintain my objection to introduction of those items.  
11 These are --

12 THE COURT: Well, you know, what we're going to  
13 do, then, is you're going to have to show me which ones and  
14 why because there are a lot that just don't even fall in  
15 that category.

16 Telephone calls are always like that. I mean, you  
17 can only say a particular cell phone contacted another cell  
18 phone. You cannot say who did it. Or who talked or what  
19 they said. That's just -- that's what that information is.

20 MR. HUESTON: Your Honor, this is, I guess, the  
21 final point I'll make about this. That the Government is  
22 asking us to sign a stipulation, actually they have exhibits  
23 that they put together. But I still believe that we're at a  
24 disadvantage because they want my signature, you know, and  
25 I'm fine in terms of the authentication. I'm not asking for

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1 custodians coming here, that's not the issue.

2 But --

3 THE COURT: Well, if you want to make individual  
4 relevancy objections at certain moments, I don't mind, we'll  
5 deal with it at sidebar.

6 MR. HUESTON: Your Honor, that is the way to deal  
7 with the problem. If I make by objections and we have a  
8 ruling, you know, I'll be mindful of that, Your Honor, but I  
9 didn't want to address it that just because of these two  
10 sort of particular witnesses or individuals Cristina and  
11 Lizbeth.

12 THE COURT: Well, if there's special things that  
13 you want to be able to address relating to the evidence, we  
14 can do it as the trial goes along. I don't see --

15 MS. HAJJAR: My impression of Mr. Hueston's  
16 argument is that he wishes to preserve on appeal or some  
17 other time an argument that Your Honor abused her discretion  
18 by allowing this under Rule 403, and therefore does not want  
19 the sign a stipulation. If that's what counsel's issue is,  
20 I wish we would just resolve it now, sign the petition.

21 THE COURT: Are you making a 403?

22 I don't know what you're doing. That's the  
23 problem. I understand your situation with respect to two  
24 people who may or may not be witnesses, who may or may not  
25 be people that the Government can prove were forced to do

1 anything against their will. That's relevancy.

2 And that -- I can't decide beforehand. I have to  
3 hear it.

4 But when you break that down into individual phone  
5 calls, or individual wires it's not going to be very  
6 meaningful to me. It's certainly not that meaningful to me  
7 right now. It just seems to me that that's in the nature of  
8 the evidence. By the same token, all I'm saying is if there  
9 are particular things that we can talk about because we're  
10 talking so generally now, which has always been my problem  
11 with this, if there are particular things that you want to  
12 talk about, I'll talk about them again.

13 MR. HUESTON: Your Honor, that seems fair. And  
14 I --

15 What's difficult as I see this is the shift, and  
16 I'm frankly speaking. These are witnesses the Government  
17 says they didn't anticipate bringing them, and they are  
18 bringing them and we're sort of just left in limbo.

19 What I would --

20 THE COURT: Well, yes and no. I mean, they  
21 disclosed everything. They disclosed every little piece of  
22 3500 material about those witnesses. So they've done what  
23 they were supposed to do. They've told you about the  
24 witnesses before. I mean, they've met their various  
25 obligations. Ultimately I have to make certain decisions.

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1 I think I've told you what I anticipate my  
2 decisions being. By the same token, I can't fully  
3 understand your specific problem with a specific piece of  
4 evidence until I can put it in context.

5 MR. HUESTON: Your Honor, that's my difficulty,  
6 too. Because I think if you -- your suggestion makes sense  
7 as their -- as they have exhibits they want to discuss them,  
8 then I am able to object if I think it's appropriate to  
9 object. I don't really know any other way to deal with it.

10 THE COURT: Well, I think, I mean, signing the  
11 stipulation, at least for purposes of authentication, which  
12 nobody has any trouble with. I mean, they don't have to  
13 bring in witnesses to put the documents in. If we have  
14 legal arguments to make as time goes on, and I understand  
15 your concern better and I understand the Government's case  
16 better, we can talk about it.

17 MR. HUESTON: Thank you, Your Honor. That's all  
18 I'm saying. I never said that they had to bring a  
19 custodian. I don't want to waste time that way at all.

20 But I don't want to abandon an argument.

21 THE COURT: You don't have to abandon any  
22 arguments. I'm just saying they don't mean anything to me  
23 if I don't see really in context for the reasons that I just  
24 expressed.

25 MR. HUESTON: Thank you, Your Honor.

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1 THE COURT: Okay.

2 I gather nobody else has any problem?

3 MR. DUNN: Nothing, Your Honor.

4 THE COURT: Huh?

5 MR. DUNN: No other problems.

6 THE COURT: Thank you. Have a nice night.

7 (Matter adjourned to Tuesday, March 3, 2020 at  
8 6:15 p.m.)

9 --oo0oo--

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14 *I (we) certify that the foregoing is a correct transcript*  
15 *from the record of proceedings in the above-entitled matter.*

15

16 /s/ David R. Roy  
DAVID R. ROY

2nd Day of March, 2020  
Date

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